App. F. IX-1

1932.
(Magha)

File No. 51-32

Serial Nos. 3-5

Previous References

Misc 101-32 & 33 & 44
" 323-9 & 51 & 9

Later References

General and Revenue Secretariat.

Serial Nos. 3

Part B for February 33.

SUBJECT.

Appeal Re. tree archakkship of Sri Dharmaraja Swami Temple Yelahanka Bangalore City

81 S. Mr Gopalachari Munisamappa & others Shigalarapet Bangalore City

No 1126 & 24-2-33

Intimating that there are no reasons to alter the orders already passed

Mys Revision 13 of 32-33

General and Revenue Secretariat | Mys File No. 51 of 1932-3 | [App. F. III—2

Serial No.	
	Petition of 13-1-33 filed by Mr A. R. Nageswara Iyer Advocate Bangalore city on behalf of his clients Ganachari Munisamappa, K. Munisamappa and others stating among other matters that observations of any Magistrate by the Sub Division Officer in his Judgement that has been reversed and superseded by two Higher Tribunals should not be taken to account for reasons detailed therein and praying that the proceedings so far taken may be kept in abeyance pending disposal of the petition after they are heard in the matter.
A.	If called a detailed report on several points touched in the petition together with the connected records will be called for.
B	As seconds the prayer of the petitioner for holding in abeyance the proceedings so far taken they will be called to submit a separate report in this regard. E-V Rao 23/1/33
	Please put up previous papers — the Members orders in the Kasaya appeal case are very clear.
4.	Petition of 24-1-33 filed by Mr A. R. Nageswara Iyer Advocate Bangalore city on behalf of client Ganachari [illegible]

NOTE—Contn. Sheet

WD 70—GBPM—60,000—13-8-31

stating that a kind perusal of the reports of the Deputy Commissioner Bangalore Mr Lucas and other subordinate officers will show that there is no warrant for re-entitling the petitioner to the office of the archakship decreed to him.

2) In para 6 of the P.A. at II the petitioner prays that the entire records be called for & a stay order be issued till his memo & orders passed on his petn.

3) Re: para 4 supra, kind reference is invited to para 30 of the minutes in regn 323-29 which was already placed in the file for reference & which contain the following orders among others: —

"The observations made by the S.D.O. in his judgment in regard to Ganachari Nanjundappa show that this person alone has been the hereditary incumbent of the office of Archak for some time & is well fit to be continued in it."

4) It is stated that the applicants have come up in appeal for a revision of the above orders on the following grounds: —

(1) The learned D.C. has given very good reasons as to why the first petitioner (Ganachari Nanjundappa) should be appointed in point.

This is a matter to be known only

x Flag H.

Serial No.

connected
after the records are called for.

2) The observations, if any, in the judgment of the S.D.O should not be taken into account, as the order of the S.D.O has been reversed and superseded by two Higher Tribunals.

Apparently he refers to the order of the D.C + the M.C. Kind regd is invited to the authentic copy of the M.C's decision in Mem 323-29 — The M.C. in his decision refers to Ganachari Munisubbha having been appointed to carry the Ranga from 1914 — to 1927. How far the decisions given by the D.C + the M.C can be considered as having reversed the observations of the S.D.O is a matter to be known after going through records.

3) The office of Prijai devolves on the Ganachari under the circumstances referred to therein. It is stated that this is a matter in which the report of the M.C. has to be called for if applied —

The other regd file, as personal inspection is practicable. (Vide Rule 7 of the rules in Mem 101-32-4) — A free copy of the Minutes in pages 22 to 30 in Mem 323-29 was furnished to Mr Munivenkatappa, as per standing orders.

NOTE—Contn. Sheet

It is submitted that in this the right and title of Dodda Thimanna & Chick Thimanna formed the subject matter of A.S. 13 of 31-32 & their rights were decided.

In the present appeal Ganachari Hanumanappa has advanced his claims to the archakship. Whether the appeal may be admitted, records called for & the case posted for hearing is for orders in view of the orders in this decree having been based on the observations of the S.D.O. That the M.C. did not implead the petitioner, orders are also solicited in regard to the stay order prayed for by the petitioner.

Put up
27/1
Read
30/1

There are two petitions.
(1) a Review petition filed on 13.1.33. And
(2) a petition praying for a stay order filed on 24.1.33.

In regard to (1) kind reference is invited to the orders passed by the Joint Member in Misc appeal No. 13 of 31-32 (Flag A). No fresh reasons are urged in the present petition to warrant the order being reviewed. The Petnr may perhaps be informed in reply that there is no reason to alter the orders already passed.

If this is approved no orders on the 2nd petn are necessary.

31/1/33

For Secy)
(B.Z. M.Y)

I agree. The petitioner may be informed accordingly. 2.33

Misc
2.2.33

OFFICE OF THE
Flint
7 FEB. 1933
No... 5047

Serial No.

22 Paras 29 & 30, the minutes in ... 323-29 were not communicated to the Govt Respondent in the case. The present petitioner is for orders of a copy of the memo to be sent to these heads here while South & the heads now along with the Govt.

No 1666 of 3/6/32 Necessary copy may be sent to Govt Pleader for ... 11/2/33

23 Govt may file in paras 18 & 21 such a petition

GV 10/2 11

24 Govt 11/2

5 No 1226 of 24.2.33 to Gunnaiah Muniswamappa and others of Thigalarpet Bangalore city intimating that there is no reason to alter the orders already passed.

No 1227 of 24.2.33 to Mr A. R. Nagesoma Iyer forwarding copy of the above for information.

Civil Writ Petn No 32-33 of 1933 Secretariat Pleader to file a counter

B 4/3/33

NOTE—Contn. Sheet.

Muz 51-32-3

Muz Review 13 of 32-32

Before the Government of His Highness the -

Maharaja of Mysore, Bangalore.

Re. Muzrai appeal 13 of 31-32. × Muz 32-33-29-7 (4)

Ganachari Munisamappa)
and others.) .. Petitioners.

Vs.

Dodda Shamanna)
)
Chikka Shamanna)
) ... Opponents.
Munivenkatappa)
)
and others)

The petitioner begs to state as follows:-

In the above appeal which was heard in this Honourable court, the opponents one and two were held by this Honourable court to be not eligible to officiate as Pujaris and Carriers of Karaga of Sri Dharmaraya Swami temple, Bangalore, and confirmed the decision of the Muzrai Commissioner in Muzrai appeal 13 of 30 - 31.

2. The Muzrai Commissioner had in his order requested the Deputy Commissioner of Bangalore to make an appointment for the office after considering the qualifications of all the eligible claimants. The Learned Deputy Commissioner after consideration of all the aspects of the case recommended that the first petitioner Ganachari Munisamappa was best qualified to officiate as Pujari and the latter was appointed accordingly. He has been doing this duty to the satisfaction of everybody condemned

3. The petitioners now learn that this Honourable court has been pleased to pass an exparte order issuing instructions to the Muzrai Commissioner for the fresh appointment of a Pujari and also observing that the first petitioner is not fit to continue as Pujari in view of the observations of the Sub Division Officer in his judgment, which was reversed by the Muzrai Commissioner and this Hon. Court.

4. The petitioners submit that this order has been very prejudicial to them as the same was passed without their being given an opportunity of having their say in the matter and represent their case. The learned Deputy Commissioner has given very good reasons as to why the first petitioner should be appointed as Pujari. There are no circumstances warranting the alteration of the said order of the Deputy Commissioner.

5. The petitioners most respectfully beg to submit that the observations of the Sub Division Officer in his Judgment do not in any way show that the first petitioner does not possess the requisite qualifications prescribed by this Honourable court, and venture to add that the observations even if any in a judgment that has been reversed and superseded by two Higher Tribunals should not be taken into account.

6. The petitioners respectfully invite the attention

of this Hon. Court to the findings of the learned Muzrai Commissioner, who holds that the observations and findings of the Sub Duvision Officer are incorrect and passed upon an unreliable evidence.

7. The petitioners therefore pray that this Hon. Court may be pleased to reconsider the whole matter and to kindly direct that the first petitioner may continue as Pujari and Carrier of the Karaga, as usual.

8. The petitioners also submit that the Amildar is taking ~~the~~ necessary action in pursuance of the order of this Honourable Court to take a fresh selection, and this selection is going to be made on Sunday the 15th instant.

9. According to the traditions and conventions of the Institution, in the absence of any competent person in the Hukdar's Line to perform the duties of the Pujari, the Office of Pujari devolves automatically on the Ganachari who is the Petitioner. This aspect of the matter has been lost sight of by virtue of the order having been passed exparte.

10. Therefore, the matter for decision by the Sub Division Officer having been one solely about the rights and fitness of Dotsha Hima and another with respect to the Office, the observations about the other persons, the merits of whose claim were not then in question, were altogether irrelevant and must be deemed to be uncalled for.

In these circumstances, the Petitioners pray that this Hon'ble Court may be pleased to direct that

these

these proceedings may be kept in abeyance, pending disposal of this petition. They may that they may be hereby heard in the matter

Bangalore,
13th Jan. 33.

13.1.33

In the High Court of Mysore.

By the Ext of the Ramanujan Appeliyam
Bangalore

M.S. Pet. No. OF 193 193

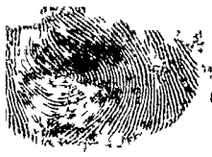
Krishnamurthy
Ganesachar
Muniswamappa
& others. VS.

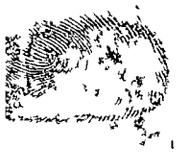
I Krishnamurthy the above named, do hereby nominate and appoint P. Venkatramaiah and A.P. Sampath Iyer Mr. A. R. Nagesvara Iyer B. A., B. L., Advocates in the above suit and do hereby empower the said Advocates to appear for and on behalf in the above suit, to take all steps which may be necessary on behalf arising out of or in connection with the above suit either during progress or after its decision, to sign and subscribe their names to any document which they may deem proper, to execute any decree that may be passed in favour and to receive out of the Court any refund of money which may be lodged or become payable or receivable on behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said suit, to appoint one or more substitutes and to act and perform all other matters and things relating thereto or connected therewith, to represent in matters relating to the same and to act as fully and effectually to all intents and purposes as might do if personally present and did the same. And do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow, ratify, and confirm whatsoever the said **Advocate** shall lawfully do or cause or procure to be done by the virtue of these presents.

In witness whereof have hereunto set hand this day of 193

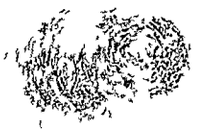
ACCEPTED
Advocates for Petitioner
13-1-38

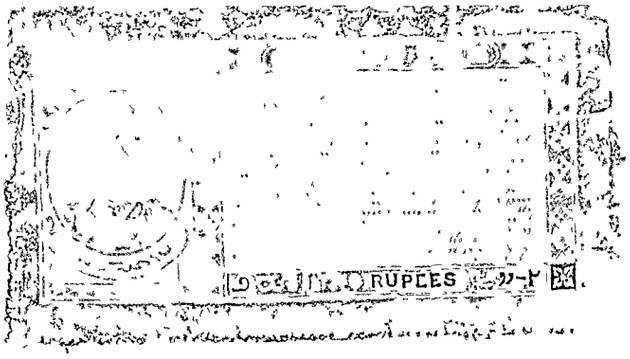
Signed before me by the executant who known to me.





B. Gundappa





BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

R. Muzrai Appeal No. 13 of 1931 --1932.

Petitioner :- Ganachari Munisamappa.

The petitioner abovenamed begs to state as follows : --

(1). That he has preferred a petition in this Honourable Court seeking reconsideration and reversal of the order passed ex-parte against petitioner continuing to be the - Pujari of Sri Dharmarayaswamy Temple, Bangalore City with right to carry the Karaga.

(2). It has also been represented therein that there are several circumstances in favour of the petitioner which have not been taken into account while passing the said order and that if only petitioner is heard there are reasonable grounds of the order being reviewed.

(3). Meanwhile, the Subordinate Authorities are trying to hurry up the execution of the order by selecting a person to perform the duties of the Pujari to the exclusion of the Petitioner.

(4). That if it is allowed to be done Petitioner will be highly prejudiced and subjected to unnecessary trouble.

(5). A kind perusal of the reports of the Learned Deputy Commissioner and other Subordinate Officers will show that there is no warrant for disentitling the petitioner to the Office. The records of the case will amply bear this out.

(6). It is therefore respectfully prayed, that the entire records may be kindly called for, that (2) orders may be kindly issued directing that proceedings for selecting any person for the Office of the Pujari and for removal of petitioner be held in abeyance till disposal of the petition for review of the order against Petitioner after affording him an opportunity to represent his claims.

ಕರ್ತವ್ಯಾಧಿಕಾರಿಗಳ ವಿಶ್ವಾಸಿಗಳು.

24th JANUARY, 1933 .
Bangalore,

Petitioner.

Advocate for the Petitioner.

Before the Government of
His Highness The Maharaja of
Mysore, Bangalore.

R.Muz. Apl.13 of 1931-32.

Petitioner : GANACHARI
MUNISAMAPPA

(Filed on 24th January 1933)

Advocate for the Petitioner

1226
Mucg 51-32-5

13th February 193
24.

To

Mr.Ganachari Munisamappa
and others of Thigalarpet,
Bangalore City.

With reference to the petitions dated 13th January 1933 and 24th January 1933 filed by them in the matter of the continuance of Ganachari Munisamappa as archak of Sri Dharmarayaswami temple, Ulsoorpet, Bangalore City, the petitioners are informed that there is no reason to alter the orders already passed.

By order,

Sd. S.Shamanna.
Financial Secretary to Govt.

No. 1227. 24th

Dated, Bangalore, the 13th February'33

Copy of the above is forwarded with compliments to Mr.A.R.Nageswara Iyer, B.A., B.L., Advocate for for the petitioners.

By order,

For Financial Secretary to Govt.

mk.3

Advocate for the Petitioner.

Section Mun

File No. S(R) 32

Serial No. 5

Diary No. of letter replied to .....

No. 1226.

To

Mr. Ganachari Mani Samabha

& others & Thigalarpet

Bangalore city.

With reference to the ~~attd~~ petn
+ 14-1-33
& 13-1-33 filed by them in
connection
the matter of the ~~claim~~ of
Ganachari Mani Samabha
~~& the~~ and
trustees of Sri
Dharmaraya Swamy temple
Ulsoorpet Bangalore city,
the petrs are informed
that there is no reason
to alter the orders already
passed.

General and Revenue Secretariat

( )

the 193 .

Date of issue 24/2/33

Signed by B. Siddalingaiah

List of enclosures .....

Copied by .....

Examined by .....

P. O.

2/II/2

1227 & 24-2-33. For DI See
Copy to the A. R. Nagarpet